

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CHRISTOPHER ALVITI

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Criminal No. 04-10248-RCL

OPPOSITION OF THE UNITED STATES TO
DEFENDANT'S MOTION TO CONTINUE SENTENCING

The United States of America, by its attorneys, United States Attorney Michael J. Sullivan, and Assistant U. S. Attorney David G. Tobin, hereby files notice that it opposes the defendant's Motion to Continue Sentencing. The defendant has requested that his sentencing be postponed until after October 2, 2006, in order to allow him to keep a scheduled doctor's appointment on that date.

The United States avers the following in support of its opposition to continuing the defendant's sentencing:

- 1) On June 30, 2006, the defendant was arrested pursuant to a warrant issued by the Magistrate Judge Charles B. Swartwood, appeared before the Court and was ordered to remain in custody;
- 2) On July 2, 2006, the Court released the defendant with conditions;
- 3) On August 18, 2006, a grand jury sitting in the District of Massachusetts indicted the defendant on one count of conspiracy to possess with intent to distribute, and to distribute, oxycodone in violation of 21 U.S.C. § 846,

and five counts of distribution of oxycodone in violation of 21 U.S.C. § 841(a)(1);

- 4) On June 1, 2006, the defendant appeared before the Court and pled guilty to the counts of the indictment in which he was named, and the Court permitted the defendant to remain on release;
- 5) The defendant is scheduled to be sentenced on August 24, 2006;
- 6) The defendant has failed to provide any reason why his medical needs cannot be met by the Bureau of Prisons; and
- 7) According to the Presentence Report, the defendant's Guideline Sentencing Range is 87 to 108 months.

The United States respectfully submits that the time has arrived for the defendant to be sentenced and to begin serving his sentence.

Conclusion

For the reasons stated above, the United states respectfully asks the Honorable Court to deny the defendant's Motion to Continue Sentencing.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ David G. Tobin
DAVID G. TOBIN
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) .

/s/ David G. Tobin
DAVID G. TOBIN
Assistant United States Attorney

Date: August 16, 2006